

**UNITED STATES DISTRICT COURT FOR EASTERN DISTRICT OF  
TENNESSEE NORTHERN DIVISION,  
AT KNOXVILLE**

**Estate of Sonya Denise Phillips  
by Carolyn Phillips, mother  
next friend and custodian of  
decedent Sonya Phillips' minor  
children: Shumai'kee Phillips  
Tashanti Phillips, and Tahiji Phillips**

## **Plaintiffs,**

Y.

**Roane County, David Haggard,  
Sheriff of Roane County, in his  
official capacity only and Fay Hall  
head jailer in Roane County, in both  
official and individual capacities, et al**

## **Defendants.**

**No.: 3:00-CV-692 (630)  
Judge Phillips**

## ORDER

This matter is before the Court upon Roane County defendants' motion for protective order [Doc. 168]. Counsel for defendant Kathleen Sales, M.D. is seeking to take the depositions of certain Roane County Defendants. Further, counsel seek to depose the plaintiff, which has been noticed for December 7, 2006. The Roane County defendants have moved for a protective order to prohibit any further depositions or written discovery from taking place prior to the dispositive motions being ruled upon with respect to the issue of qualified immunity.

Defendant Dr. Sales was not a party to the suit when Roane County defendant employees were previously disposed. Whether or not Roane County defendant employees

are granted qualified immunity has no bearing on Dr. Sales' need or ability to depose them prior to the Court ruling on the issue of qualified immunity. They are fact witnesses. Accordingly, Roane County defendants' motion for protective order [Doc. 168] is **DENIED**.

**IT IS SO ORDERED.**

s/Thomas W. Phillips \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE